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S&H Form: (2/01)  
Attorney Docket No. 469.1118

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Ian Leitch MCDUGALL et al.

Application No.: 10/528,146

Group Art Unit: 2832

Confirmation No.: 6530

Filed: February 6, 2007

Examiner: Barrera, Ramon M.

For: MAGNETIC FIELD GENERATING ASSEMBLY AND METHOD

**RENEWED PETITION UNDER 37 CFR 1.137(b)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Attention: Mail Stop PETITION**

Sir:

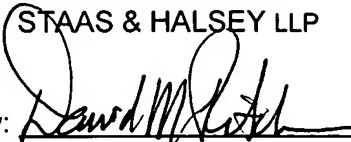
The attached Request for Reconsideration and Submission of New Declaration are being filed in connection with the Petition filed on June 23, 2008 and the Decision on Petition mailed August 29, 2008.

Please note that the necessary statement and fees required to meet the provisions of 37 CFR 1.127 (b) were previously submitted on June 23, 2008.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 24, 2008

By:   
David M. Pitcher  
Registration No. 25,908

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Ian Leitch MCDUGALL et al.

Application No.: 10/528,146

Group Art Unit: 2832

Confirmation No.: 6530

Filed: February 6, 2007

Examiner: Barrera, Ramon M.

For: MAGNETIC FIELD GENERATING ASSEMBLY AND METHOD

**REQUEST FOR RECONSIDERATION  
AND SUBMISSION OF NEW DECLARATION**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Petition mailed August 29, 2008, applicants are hereby submitting a new PCT Combined Declaration/Power of Attorney for the above-identified application. In the executed Declaration filed with the Petition on June 23, 2008, alterations made to the first and second Inventor's address were not initialed and dated by the respective Inventor.

Applicants submit herewith newly executed PCT Declarations signed respectively by the four applicants with the alterations made by the first and second inventors initialed and dated.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 24, 2008

By: David M. Pitcher

David M. Pitcher  
Registration No. 25,908

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UNITED STATES PATENT AND TRADEMARK OFFICE



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United States Patent and Trademark Office  
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WASHINGTON, DC 20005

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AUG 29 2008

In re Application of  
McDougall, et. al.  
Application No. 10/528,146  
Filed: February 6, 2007  
Attorney Docket No. 469.1118 ✓

ON PETITION

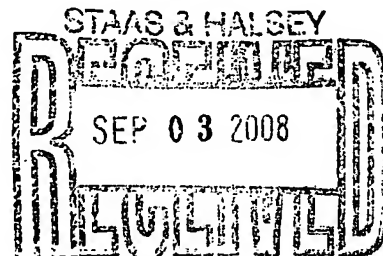
This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS ✓ from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit an oath or declaration in compliance with 37 CFR 1.67(a) in a timely manner in reply to the Notice of Allowability, mailed July 26, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 27, 2007. A Notice of Abandonment was mailed April 23, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).



In regards to item (1), above, the declaration filed with the petition does not meet the requirements of 37 CFR 1.63 because it contains uninitialed/undated alterations.<sup>1</sup> Specifically, there are undated alterations in the signature block for joint inventors McDougall and Slade. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67, listing the residence, mailing address and citizenship of all of the inventors and signed by the inventors to whom the corrections pertain (i.e., joint inventors McDougall and Slade) must be provided with any renewed petition.

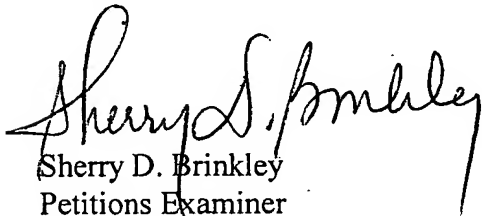
Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> See 37 CFR 1.52 (c).